

REMARKS

This communication is in response to the non-final Office Action issued November 16, 2005. The Examiner rejected claims 18 and 21-32 under 35 U.S.C. § 102 in view of U.S. Patent No. 4,718,842 to Labbe *et al.* ("Labbe"). The Examiner rejected claims 1-17 and 33-39 under 35 U.S.C. § 103 in view of varying combinations of Labbe and U.S. Patent Nos. 6,350,114 to Simonds ("Simonds"), 5,725,891 to Reid, Jr. ("Reid"), 4,929,165 to Inaba *et al.* ("Inaba"), and 3,596,317 to Nicholson ("Nicholson").

Applicant-Initiated Amendments

The Applicants have made some minor amendments to the specification to clarify obvious typographical or grammatical errors. Claims 22-26, 30, and 31 have been amended to correct the reference to the parent claim due to the prior cancellation of claim 20.

Claim Rejections Under 35 U.S.C. § 102

In sections 1-2 of the Office Action, the Examiner rejected claims 18 and 21-32 under 35 U.S.C. § 102 in view of Labbe.

It is well settled that for a rejection of a claim under 35 U.S.C. § 102 to be proper, each and every element as set forth in the claim must be found in a single reference. See, for example, MPEP § 2131. For at least the reasons stated below, the Examiner's rejections of the claims do not satisfy this burden.

Labbe appears to disclose an automatic press in which plate position is measured relative a fixed reference position, and having a spool valve to balance pressure on either side of the jack piston. Labbe does not provide means by which ram position and system pressure can be measured and monitored at any position of the ram. Claim 18 has been amended above to recite that the linear measurement device provides ram position information and the pressure

measurement device provides ram pressure information at all positions of the ram. Support is seen, for example, at page 19, line 17 to page 20, line 22. Claim 18 further recites programmable and variable triggers. No new matter is added. The benefits of constant position and pressure monitoring, and programmable and variable triggers is discussed in the written description. *See, for example*, page 19, line 17 to page 25, line 3. As discussed, the claimed design allows the operator to detect unsafe conditions at any position of the ram, rather than merely at the position where the mold plates contact. This is not possible with the Labbe device. Therefore, the Examiner's rejections based on Labbe are believed to be overcome.

Furthermore, the Examiner has not addressed the recitations of claims 24, 26, 28 and 29. Thus, these claims have not properly been rejected.

Claim Rejections Under 35 U.S.C. § 103

In sections 3-7 of the Office Action, the Examiner rejected claims 1-17 and 33-39 under 35 U.S.C. § 103 in view of varying combinations of Labbe, Simonds, Reid, Inaba, and Nicholson. Specifically, the Examiner rejected:

- claims 1-9 and 37-39 in view of Reid modified by Simonds,
- claims 10-12 in view of Reid modified by Simonds and Nicholson,
- claims 10 and 13-17 in view of Reid modified by Simonds and Labbe, and
- claims 33-36 in view of Labbe modified by Inaba.

It is well settled that for a rejection of a claim under 35 U.S.C. § 103 to be proper, each and every recitation of the claim must be present in the cited reference(s). *See, for example*, MPEP § 2143.03. It is also well settled that for a rejection of a claim under 35 U.S.C. § 103 to be proper, there must be some suggestion or motivation to modify a reference or combine reference teachings. *See, for example*, MPEP § 2143.01. When so modifying a reference, the

proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference. See, for example, MPEP § 2143.01. The modification must support a reasonable expectation of success with some degree of predictability. See, for example, MPEP § 2143.02. Finally, the source of the suggestion or motivation to modify a reference cannot be the Applicants' own disclosure. See, for example, MPEP § 2143. For at least the reasons stated below, the Examiner's rejections of the claims do not satisfy these burdens.

The Rejections Based on Reid Modified by Simonds

Reid discloses a molding machine including upper and lower mold plates that include heat transfer channels. The Reid channels, however, are not provided in separate, coplanar series. Instead, Reid provides only one series of channels which, of course, are interconnected. See the arrows in figure 3, indicating a common flow path among all of the channels. See, also, the arrows in figure 4, which indicate the flow path of the sole heat transfer medium that passes through all of the bores. Claims 1 and 37 require two series of channels that are separate and coplanar.

The Examiner has alleged it obvious to include the heating channels (4) and isobars (6) of the Simonds platen with the Reid mold plate. As seen in Simonds figure 3, these heating channels and isobars are located at different elevations within the platen, and thus are not coplanar. The Examiner has not indicated or even suggested why a skilled artisan would make the further modifications to provide two separate and coplanar series of channels within a platen. The rejections, therefore, are improper and must be withdrawn.

Further regarding claim 3, the Examiner has failed to identify an adapter as the term is used in the instant application.

Further regarding claim 4, the Examiner has failed to identify first and second orifice within the adapter, or that the adapter can independently supply a plurality of heat transfer media to the separate series of channels.

The Rejections Based on Reid Modified by Simonds and Nicholson

Claims 10-12 are allowable for at least the reason that the independent claim from which they ultimately depend is allowable.

The Rejections Based on Reid Modified by Simonds and Labbe

Claims 10 and 13-17 are allowable for at least the reason that the independent claim from which they ultimately depend is allowable.

The Rejections Based on Labbe Modified by Inaba

Claims 33-36 are allowable for at least the reason that the independent claim from which they ultimately depend is allowable. Claim 36 is further allowable because the Examiner has not addressed the recitations of this claim.

Additional Fees


The Commissioner is hereby authorized to charge any insufficiency or credit any overpayment associated with this application to Swidler Berlin LLP Deposit Account No. 19-5127 (order no. 20002.0288).

Conclusion

Claims 18, 22-26, 30, and 31 have been amended. Claims 1-18 and 21-39 are pending in the application, and are believed to be in condition for allowance. In view of the foregoing, all of the Examiner's rejections of the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all claims.

Should the Examiner feel further communication would help prosecution, the Examiner is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sean P. O'Hanlon". The signature is fluid and cursive, with the first name "Sean" and last name "O'Hanlon" clearly distinguishable.

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